

State of California
California Regional Water Quality Control Board
Santa Ana Region

Minutes of February 29, 2008 Board Meeting
City of Loma Linda
25541 Barton Road
Loma Linda

1. Carole Beswick, Chair, called the meeting to order at 09:09 a.m.

Board Members Present

Carole H. Beswick
Deborah Neev, Vice-Chair
Fred Ameri
Mary Cramer
Maurice Gallarda
William Ruh
Seymour Van Gundy

Board Members Absent

John Withers

Staff Members Present

Gerard J. Thibeault, Executive Officer
Kurt V. Berchtold, Assistant Executive Officer
Erik Spiess, Regional Board Counsel, OCC
David Rice, Regional Board Counsel, OCC
Frances McChesney, Sr. Staff Counsel
Joanne E. Schneider, Environmental Program Manager
Michael J. Adackapara, Supervising Water Resource Control Engineer
Milasol Gaslan, Chief of Storm Water (Inland)
Muhammad Bashir, Water Resources Control Engineer, Storm Water (Inland)
Kevin Heinemann, Staff Information Systems Analyst
Felipa Carrillo, Executive Assistant

State Board Representative

None present

Public Attendance

Jim Fitzpatrick, Pronto Wash
Fernando Orozco, Orozco Int'l, Inc.
Cameron Smith, OWDC/NYK Logistics
Marsha Westropp, OCWD
Larry McDaniel, Knotts Berry Farm
Jon Kindschy, UCR
Jennifer Tan, UCR Student
Jane Blasingham, Centex Homes
Francis Logan, City of Rialto

Warren Hodgdm
John Van Vlear, Voss
Jack Nelson, Yucaipa Valley WD
Jan Misquez, CCAEJ
David McAlister, Tetra Tech
Reid Smith, Gallagher & Gallagher
Henry Weinstock, Fontana Water Company
Barry Groveman

Public Forum

Jim Fitzpatrick, president of Pronto Wash, explained how Pronto Wash is an eco-friendly car wash and detail process that uses only a pint of water to wash a vehicle. He indicated that technology is available today to have a waterless or water capture system for car washes. The NPDES permits should specify requirements to use currently available systems to eliminate pollutants in runoff from mobile operations. The Pronto Wash system produces no runoff. Pronto Wash wants to be a part of the solution to eliminate illegal discharges from mobile car washes. Mr. Fitzpatrick requested the Board to address the issue related to runoff from mobile car washes through strict municipal storm water permit requirements.

2. Approval of Minutes

Action: It was moved by Member Ruh, seconded by Member Van Gundy, and unanimously approved that the Minutes of January 18, 2008 be approved as presented.

3. **Agenda Update:** It was noted that Items No. *7, *12, 14 and 16 were postponed; and Items 17 and 22 were removed from the agenda.

4. Consent Calendar

- *5. **Appeal of Staff's Denial of an Exemption from the Minimum Lot Size Requirement of William Harris**
- *6. **Renewal of Waste Discharge Requirements and a National Pollutant Discharge Elimination System Permit (NPDES No. CA0106496) for Knott's Berry Farm, Orange County, Order No. R8-2008-0002**
- *8. **Centex Corporation, Tract 32786 ("Terracina Project"), Riverside County, Order No. R8-2008-0024**
- *9. **Fairfield Holland Road L.P., Tract 34092, Riverside County, Order No. R8-2008-0015**
- *10. **Distinguished Homes, Tentative Tract Map 16798 ("Iron Horse Hills"), San Bernardino County, Order No. R8-2008-0025**
- *11. **Florida Promenade, Riverside County, Order No. R8-2008-0026**
- *13. **Administrative Civil Liability Complaint, L&H Mold & Engineering, San Bernardino County - Order No. R8-2008-0039**

Action: It was moved by Member Ruh and seconded by Member Ameri, and unanimously approved that the Board adopt Orders No. R8-2008-0002, R8-2008-0024, R8-2008-0015, R8-2008-0025, R8-2008-0026, R8-2008-0039, and approve the exemption from minimum lot size requirements requested by William Harris.

Chair Beswick noted that Items No. 15, 18, and 19 were similar cases. Procedurally, these three items would be considered together; however, action on each item would be considered separately.

Erik Spiess noted that due to the need for separation of functions, there would be a prosecutorial team headed by Kurt Berchtold and an advisory team led by Gerard Thibeault and Erik Spiess acting as the counsel to the Board in the advisory role.

Kurt Berchtold made a few introductory remarks regarding these items and indicated that the three Administrative Civil Liability complaints were for violations of the General Industrial Storm Water permit related to late submittal of the annual reports. He indicated that Muhammad Bashir would be making the presentation and the general introduction part of his presentation would be applicable to all three cases and should be included as part of the record for all three of the items. Mr. Berchtold also indicated that the second part of Mr. Bashir's presentation would include specifics of each case.

Mr. Bashir, Inland Storm Water Section staff, indicated that the Administrative Civil Liability Complaints were issued to Orozco International, Downtown Auto Wrecking and to NYK Logistics because all three facilities had failed to submit their annual report for 2006/2007 by July 2, 2007 as required by the General Permit. Two Notices of Non-Compliance (NNC) were issued to each of these facilities. Each facility was also reminded by phone of the need to submit the annual report by the deadline specified in the NNC, and of the consequences of non-submittal of the annual report by that date. Water Code Section 13399.33 specifies that the Board shall impose a mandatory minimum penalty of \$1,000 for late submittal of the annual report. Mr. Bashir then proceeded to present specific issues related to each of the cases.

15. **Administrative Civil Liability Complaint, Orozco International, San Bernardino**

Mr. Bashir noted that Orozco International had submitted its annual report two days prior to the Board meeting date. He also mentioned that Orozco is a relatively new facility and that it first got permit coverage in 2005. He recommended that the Board adopt Order No. R8-2008-0032 affirming Administrative Civil Liability No. R8-2008-0012 for \$4,000.00.

Fernando Orozco, owner of the facility, indicated that he was under the impression that his facility was exempt from the permit requirements as the facility recycles all wastewater. He said someone from the City had told him that his business was exempt as there was no discharge.

Action: It was moved by Member Ameri and seconded by Member Gallarda, and unanimously approved that the Board adopt Order No. R8-2008-0032, affirming the assessment as proposed in ACL No. R8-2008-0012.

18. **Administrative Civil Liability Complaint, Downtown Auto Wrecking, San Bernardino County**

No representative from Downtown Auto Wrecking attended the hearing. Therefore, the Board considered this item without any further staff presentation.

Action: It was moved by Member Neev and seconded by Member Ruh, and unanimously approved that the Board adopt Order No. R8-2008-0037, affirming the assessment as proposed in ACL No. R8-2007-0090 for \$10,000.

19. **Administrative Civil Liability Complaint, NYK Logistics (Americas), Inc., Riverside County**

Mr. Bashir informed the Board that this facility has had permit coverage since 1999 and was fully aware of the permit requirements. They were also reminded a number of times to submit the annual report and of the consequences of non-submittal of the annual reports by the date specified in the NNC. As of the Board meeting date, the facility had not submitted its annual report. Mr. Bashir recommended that the Board adopt Order No. R8-2008-0038 affirming Administrative Civil Liability No. R8-2007-0088 for \$6,000.00.

Speaker: Cameron Smith, OWDC/NYK Logistics

Mr. Smith indicated that he had problems with his employee at the Mira Loma facility where the violations occurred and that the problem employee had been replaced. He also indicated that the company had hired a consultant to avoid future problems. He requested the Board to consider leniency in the assessed penalty.

Action: It was moved by Member Gallarda and seconded by Member Van Gundy, and approved by the Board to adopt Order No. R8-2008-0038, affirming the assessment as proposed in ACL No. R8-2007-0088 for \$6,000.00.

Oppose: Member Ameri

20. **Administrative Civil Liability Complaint, Ross Pallet, Inc., City of Santa Ana, Orange County**

Mr. Berchtold informed the Board that there would be no staff presentation as the discharger had waived its right to a hearing and had paid a portion of the assessment. Staff recommended that the Board adopt Order No. R8-2008-0029 affirming Administrative Civil Liability No. R8-2008-0022 for \$10,000.

Action: It was moved by Member Neev and seconded by Member Ruh, and the Board unanimously agreed to adopt Order No. R8-2008-0029, affirming the assessment as proposed in ACL No. R8-2008-0022 for \$10,000.00.

21. **Resolution Regarding Cleanup and Abatement Account Funding Related to Perchlorate Contamination**

Erik Spiess announced that for this item, the advocacy team consists of Mr. Thibeault, Mr. Berchtold, and himself. The advocacy team has not advised the Board outside of this meeting and if there was any need for legal counseling for the Board, Ms. McChesney and Mr. Rice from OCC were available.

Mr. Berchtold indicated that this resolution was a request for \$3 million from the State Board's Cleanup and Abatement Account in support of a request for funding made by the City of Rialto and West Valley Water District. He indicated that the funds would be managed by the Regional Board and would be utilized for conducting investigation of the perchlorate/VOC plume from the 160-acre site in the Rialto area. Mr. Berchtold recommended that the Board adopt this resolution with the errata. He concluded his remarks by adding that State Board staff had agreed to expedite the State Board's consideration of this request should the Regional Board adopt the proposed resolution.

Speakers:

The following speakers spoke in support of the resolution and the staff recommendation:

Henry Weinstock, Fontana Water Company
Francis Logan, on behalf of City of Rialto
Barry Groveman, on behalf of West Valley Water District

Action: It was moved by Member Ameri, seconded by Member Van Gundy, and unanimously approved that the Board adopt Resolution No. R8-2008-0020 with errata.

23. **Hazardous Waste Incident Report**
Information item.
24. **Underground Storage Tanks Corrective Action Plans**
Information item.
25. **Underground Storage Tanks Site closure Report**
Information item.
26. **Regional Board Member and Executive Officer Communications**

Discussion included the upcoming Water Education Workshop for Board Members in San Diego in April. Chair Beswick briefly announced that the Little Hoover Commission is looking at some issues that could affect the Boards, statewide, in the future and that she would be testifying at the Little Hoover Commission hearing.

She thanked the Board for adopting a resolution at the last board meeting, which expresses their appreciation of task force members.

She ended by welcoming David Rice, new legal counsel for Region 8.

27. **Closed Session**

There was no closed session.

Adjournment

The meeting was adjourned at 10:37a.m. to the next regular Board Meeting of April 18, 2008 at 9:30 a.m., in the City of Loma Linda, 25541 Barton Road, Loma Linda, CA.

Respectfully submitted:



GERARD J. THIBEAULT
Executive Officer

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